

**CITY/COUNTY ASSOCIATION OF GOVERNMENTS
LEGISLATIVE COMMITTEE**

**MINUTES
MEETING OF APRIL 13, 2006**

At 5:05 p.m. Chairwoman Deborah Gordon called the meeting to order in the Second Floor Auditorium at the San Mateo Transit District Office.

Members Attending: Judith Christensen, Deborah Gordon, Linda Koelling, Irene O'Connell, Rosalie O'Mahony, and Joe Silva.

Staff/ Guests Attending: Brian Moura (Assistant City Manager – San Carlos), Walter Martone (C/CAG Staff), Sara Rosendahl (Senator Simitian's Office), Brian Lee (County Public Works), Mark Duino (C/CAG Staff), Ross Nakasone (County Manager's Office), and Wes Lujan – by conference call (Advocation).

1. Public comment on items not on the agenda.

None.

2. Approval of minutes from March 9, 2006.

Motion: To approve the minutes as presented. O'Mahony/Koelling, unanimous.

3. Update from C/CAG's Lobbyist in Sacramento (via conference call).

Wes Lujan reported:

a) Negotiations on an infrastructure bond.

Now focused on the November 2006 election.

The bond package has been scaled back to \$20 or \$30 billion.

Negotiations had previously fallen apart over the issues of funding for dams and water storage.

Senator Perata is leading the current negotiations, together with the leadership from both parties in the Senate and the Assembly. The Governor's Office appears to be taking a wait-and-see approach.

The negotiations will likely become intensified starting next week.

There are also a number of other Legislative deadlines coming up over the next three weeks. Therefore it is expected to be a very hectic time in the Capitol.

Republicans have stated that any proposal that does not address water storage will be considered dead on arrival.

b) Budget for 2006-07.

There is no huge deficit projected for next fiscal year.

Revenues continue to show increases.

Most legislators are anticipating a fairly smooth budget negotiation process.

It is very possible that agreement on the budget could happen as early as July 2006.

c) Policy issues.

The Governor has been focusing his policy agenda on addressing emissions reductions and making California a model for the rest of the Country.

d) Hetch-Hetchy.

Assemblyman Ruskin is taking amendments to his bill that would stop further consideration of reclaiming the Hetch-Hetchy valley.

The Bay Area Water Supply and Conservation Agency (BAWSCA) has decided not to take a position on this bill until the amendments have been introduced.

e) Eminent Domain.

There are 5 or 6 major efforts (bills) that have been introduced to address eminent domain.

There are also a few efforts to address this issue through the Initiative process. One of these Initiatives is sponsored by Anita Anderson. Senator McClintock is supporting this proposal. The Senator appears to be backing off of his bill to amend the State Constitution, in favor of this Initiative. It is currently in circulation with a due date of July 17, 2006 to secure the required 595,105 signatures to be placed on the November 2006 ballot.

Three other similar ballot Initiatives dealing with eminent domain are also in circulation.

Another major piece of legislation that includes elements dealing with eminent domain is SB 1800. This bill is currently under negotiation and should be watched.

4. Consideration of positions on various bills:

C/CAG Staff reported that because the C/CAG Board would be having its annual Retreat following the Legislative Committee meeting, it would not be able to consider positions on various bills. However the C/CAG action that established the Legislative Committee and sets forth the process for taking positions on bills, specifically allows the Committee to take positions on bills/issues on behalf of C/CAG, that are consistent with prior guidelines established by C/CAG. All of the following bills fit in with these guidelines.

- a) SB 1627 - Preemption of local land use authority for wireless telecommunications facilities. This bill is being sponsored by T-Mobile and allows the addition of a second antenna to existing structures without securing a permit from the local jurisdiction.

Motion: To send a letter in opposition to this bill and to encourage the cities/County to also express their concern with the bill. O'Connell/Koelling, unanimous.

- b) League of California Cities principles for telecommunications reform. The League has developed a position paper that outlines the items that are of concern to its constituents and provides guidance for any future telecommunications reform.

Motion: To support the principles adopted by the League and to encourage the cities/County to also consider adopting these principles. O'Connell/O'Mahony, unanimous.

- c) AB 2987 – Telecommunications reform. This bill was written by AT & T and includes the following provisions:

It preempts local franchising.

It places implementation, management and enforcement under the California Department of Corporations.

It is silent on the issue of build-out.

It eliminates a local jurisdictions ability to deal with customer complaints.

It eliminates requirements for cable drops to schools, police, and fire stations.

It provides for the carrying of existing public channels, but does not provide for any new or reserved public channels.

It requires the local jurisdictions to pay for connections to city/county halls.

There are serious issues in the bill with how revenue is calculated. Local jurisdictions are not kept whole in these formulas.

This bill will be very difficult to kill because the Speaker of the Assembly is sponsoring it. However it is important that opposition to the bill be noted so that amendments will be considered. Cable companies are also opposing the bill.

Motion: To strongly oppose this bill. O'Connell/Koelling, unanimous.

- d) Federal Communications, Promotion, and Enhancement Act of 2006. The proposal being considered at the Federal level will:
 - Preempt local franchises and place the authority with the Federal Government.
 - Require that the Federal Communications Commission handle complaints.

Congresswoman Eshoo is on the Subcommittee that is marking up the bill. She has promised to introduce amendments that would address the issues of local jurisdictions. The League of California Cities is arranging for meetings with other Congresspersons on this issue. San Mateo County Elected Officials are encouraged to attend as many of these meetings as possible.

Motion: To oppose this Federal bill as it is currently introduced. O'Mahony/Christensen, unanimous.

- e) AB 2681 and SB 1225 – Abandoned Vehicle Abatement (AVA) Program. C/CAG's AVA Manager, James Granucci, is analyzing these bills and also the responses that C/CAG received from the cities on the use of AVA funds. He will provide a recommendation at a future meeting.
- f) SB 369 – Rubberized asphalt concrete grants. This bill continues the availability of State grants to support the use of rubberized asphalt. Although this material is often more expensive than regular asphalt it is more environmentally friendly (used recycled tires) and reduces road noise.

Motion: To support this bill. O'Connell/Christensen, unanimous.

- g) AB 2503 – Affordable housing. This bill by Assemblyman Mullin, is still being reviewed by the Housing Leadership Council and the HOPE Board of Directors. It was decided to not take action until these bodies have completed their review.

- h) SB 1611 – Congestion management fees. This bill Senator Simitian, is very similar to the one the Senator sponsored for C/CAG that allowed us to levy a Vehicle Registration Fee to support congestion management and stormwater pollution prevention. This new bill will extend that authority to all Congestion Management Agencies and will increase the maximum fee from four dollars to twenty dollars. The bill does not however, provide for the use of these funds for purposes other than congestion management. Approval of this bill would mean that C/CAG would not have to seek authorization to have its current program extended. The increased fee authorization will more than compensate for the inability to use the funds for stormwater programs.

Motion: To support this bill. O'Connell/Silva, unanimous.

- i) AB 2444 - Congestion management and environmental mitigation fees. This bill is similar to SB 1611; however the limit on the fee is five dollars, and it also authorizes the Bay Area Regional Air and Water Quality Boards to also levy a five dollar fee to use for regional programs. This provision of the bill is similar to another bill a few years ago that C/CAG remained neutral on. The reason was because the funding going to the Regional agencies could be viewed in competition with the locally assessed fees, and the Regional agencies would be under no obligation to fund local programs that are determined as needed by the local jurisdictions.

Motion: To remain neutral on this bill. O'Mahony/O'Connell, unanimous.

5. Establish date and time for next meeting (April 13, 2006).

6. Other items/Comments from Guests.

Committee Member Judith Christensen reported that one of the Initiatives in circulation that deals with eminent domain also contains a provision that would end rent control programs of local governments. She requested that the Committee look at this Initiative and consider taking a position.

7. Adjournment.

The meeting was adjourned at 6:05 p.m.